

ATTACHMENT B

Recommended Corrections to Typographical Errors, and other Inaccuracies and Discrepancies

Use consistent and accurate terminology when referring to the 301(h)-modified NPDES discharge permit issued to the MBCSD. The only accurate descriptor of the permit or its requirements is “*modified*.” The Clean Water Act only uses the term “*modified*” in its description of Section 301(h). It never uses other terms that are commonly misapplied to the Act, such as “*variance*” and “*waiver*.” These other terms are misnomers, because Section 301(h) only modifies three of the secondary treatment requirements and all other secondary treatment standards still apply. Use of the term “*waived*” gives the misleading impression that secondary treatment requirements are eliminated altogether. All instances where these misnomers are used in the draft MBCSD permit should be changed to use the term “*modified*” as follows.

[Page 4, Section II.A] “A. Background. The City of Morro Bay ... Permit No. CA0047881. A ~~modified~~ National Pollutant Discharge Elimination System (NPDES) permit ~~waiving~~ modifying secondary treatment requirements was originally issued to the Dischargers...Dischargers applied for reissuance of their 301(h)-modified permit ~~and 301(h)-waiver~~ on July 7...”

[Page F-2, Section F.I.C] “C. The Dischargers applied for reissuance of their 301(h)-modified permit ~~and 301(h)-waiver~~ on July 7, 2003.”

[Page F-4, Section F.II.D] “The treatment plant was upgraded from 1983 to 1985 to a peak seasonal dry weather flow of 2.36 MGD. In 1985, U.S. EPA approved a Clean Water Act Section 301(h) ~~Modified~~-NPDES Permit that ~~waived~~ modified full secondary treatment requirements for Biochemical Oxygen Demand (BOD₅)...”

[Page F-4, Section F.II.D] “The Permit was first reissued in 1992...U.S. EPA issued a tentative decision to grant another permit modifying ~~waiver of~~ secondary treatment requirements in September 1998. The Central Coast Water Board approved the NPDES Permit, ~~waiving~~ modifying secondary treatment requirements, in December 1998...”

[Page F-4, Section F.II.D] “Morro Bay/Cayucos Wastewater Treatment Plant is now one of only three remaining in California that operates under a 301(h)-modified permit ~~Waiver~~. Others...Orange County Sanitation District, the largest in the nation to operate under a 301(h)-modified permit ~~Waiver~~, recently elected to upgrade its treatment facilities to meet secondary treatment standards and forgo its 301(h) status ~~Waiver~~.”

[Page F-4, Section F.II.D] “In anticipation of this Permit reissuance... consider upgrading the treatment plant to meet federal secondary treatment standards and forgo their 301(h) status ~~Waiver~~. In a March 20, 2003 response...”

[Page F-5, Section F.II.D] “In June 2004, after public opposition to the 301(h) modifications ~~Waiver~~, the Dischargers commenced a process to upgrade the treatment ...”

[Page F-5, Section F.II.D] “In May 2005, Carollo Engineers returned... Water Board staff and the Dischargers have approved a settlement agreement that enforces the 9.5

year timeline, and provides for one more ~~waiver~~ permit modifying secondary treatment standards. This additional 301(h)-modified ~~waiver~~ permit is necessary because the timeline to achieve compliance with secondary treatment standards exceeds the 5-year life of an NPDES permit...

[Page F-7, Section F.II.C.2] “Due to the extensive volume of the ocean relative to inland water bodies...This dilution effect is the primary basis for the modification ~~variance~~ of secondary treatment standards provided in Clean Water Act Section 301(h).

[Page F-7, Section F.II.C.2] “Clean Water Act Section 301(h) provides for a modification ~~waiver~~ of secondary treatment standards for publicly owned treatment works...”

[Page F-7, Section F.II.C.2] “In order to obtain a 301(h)-modification ~~Waiver~~, an applicant must demonstrate that: ”

[Page F-19, Section F.IV.B.8] “Although the study suggests the high rate of infections...staff is concerned that the highest infection rates are centered around the only discharge with a 301(h)-modified permit ~~Waiver~~ in the studied area.

Use consistent and accurate terminology when referring to the MBCSD as the “Permittee” or “MBCSD,” not the “Discharger.” This change implicitly acknowledges that the MBCSD, like the Regional Board, as a branch of government providing a valuable public service to its constituents. The term “Discharger” connotes that nothing of value is being achieved by the MBCSD’s treatment and subsequent discharge of municipal wastewater. Specifically, modify the first sentence of Section II.A on Page 4 as follows: “Background. The City of Morro Bay and Cayucos Sanitary District (hereinafter MBCSDDischargers)...,” and modify the subsequent references to “discharger” accordingly.

Correct the mailing address to 595 Harbor Street Morro Bay, CA 93442 [Page 3].

Correct the Conversion Schedule to conform to the Conversion Schedule contained in the SETTLEMENT AGREEMENT FOR ISSUANCE OF PERMITS TO AND UPGRADE OF THE MORRO BAY-CAYUCOS WASTEWATER TREATMENT PLANT that was negotiated by MBCSD and RWQCB staff [Page 8].

Insert page numbers on pages 11-14.

Correct the Six-Month Median Effluent Limit for silver to 0.07 mg/L [Page 12, Section IV.C.2]. The NPDES Permit incorrectly specifies a limiting concentration for silver as 0.09 mg/L. This concentration does not account for the background concentration of silver in seawater that is specified in the COP.

Provide footnote “b” that is associated with the effluent limitations for cyanide [Page 12, Section IV.C.2]. The NPDES Permit indicates that cyanide has a footnote “b,” but does not provide the footnote. According to the COP, the footnote should read as follows. “*If a discharger can demonstrate to the satisfaction of the Regional Board (subject to EPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be*

met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes must be comparable to that achieved by the approved method in 40 CFR PART 136, as revised May 14, 1999.”

Add a footnote that allows the effluent limitation for chromium (III) to be met as a total chromium limitation [Page 12, Section IV.C.3]. This is consistent with footnote #2 applied to hexavalent chromium on Page 11. It is also consistent with the current discharge permit.

Correct the Average Monthly Effluent Limit for chloroform to 17.4 mg/L [Page 13, Section IV.C.4]. The NPDES Permit lists an incorrect limit (1.74 mg/L).

Correct the units on the Six-Month Median Effluent Limit for heptachlor and heptachlor epoxide to ng/L [Page 13, Section IV.C.4]. The NPDES Permit specifies heptachlor limiting concentrations that are associated with units of ng/L rather than the units of pg/L, which are incorrectly listed in the NPDES Permit.

Change the type of sample for chlorinated phenolics from composite to grab [Page E-5, Section E.IV.A]. This conforms to the sample type of non-chlorinated phenolic compounds. The sample type for endosulfan, which is the next parameter in the list below non-chlorinated phenolic compounds, should be explicitly spelled out as a 24-hour composite so the continuation marks for compounds listed below it are correct.

Change the type of sample for radionuclides from grab to composite [Page E-5, Section E.IV.A]. This conforms to the historical sample type used to determine radioactivity.

Change the type of sample for bis(2-chloroisopropyl) ether from grab to composite [Page E-6, Section E.IV.A]. This conforms to the sample type of the other related constituents.

Change the mass-emission goal for total cyanide to 71 kg/yr [Page E-8, Section E.IV.B]. The revision is based on the measurement of a detectable cyanide concentration in July 2000. Because of this detection, it is now one of the nine compounds potentially subject to antidegradation analysis should its mass emission increase above the specified limit.

Change the mass-emission goal for benzene to 12 kg/yr [Page E-9, Section E.IV.B]. The revision is based on the measurement of a detectable benzene concentration in July 1999. Because of this detection, it is also one of the nine compounds potentially subject to antidegradation analysis should its mass emission increase above the specified limit.

Change the mass-emission goal for dioxin to 1.48 mg/yr [Page E-10, Section E.IV.B]. This is the correct emission based on the permit limit of 0.52 pg/L.

Modify the statement concerning toxicity tests as follows: “*If the test acceptability criteria are not achieved—~~or if toxicity is detected~~, the sample shall be retaken and retested...*” [Page E-11, Section E.V.B]. Without this modification, the statement implies that any measurable toxicity in the effluent test samples or in the reference toxicant tests would also require retesting.

Correct the reference from D.1.f)2. to C.1.f.2 [Page 18, Section VI.C.1.f.3]. There is no “D” in this section.

Correct the reference from D.1.f)2 and D.1.f)3. to C.1.f.2 and C.1.f.3 [Page 18, Section VI.C.1.f.4]. There is no “D” in this section.

Modify the sentence to read, “...Paragraph No. D.1 of Attachment D-1 Central Coast Water Board Standard Provisions (January 1985)” [Page 18, Section VI.C.1.f.5].

Correct the mailing and billing address to 595 Harbor Street, Morro Bay, California 93442 [Page F-1, Pertinent Information].

Modify the Table of Pertinent Information to include a footnote under Pretreatment Program as follows, “This permit implements pollution prevention requirements specified in 40 CFR Part 125.66(d) in lieu of the General Pretreatment Regulations specified in 40 CFR Part 503.”¹[Page F-2, Table of Pertinent Information]. This statement acknowledges that MBCSD has an existing and proactive pollution prevention program.

Modify the statement as follows: “*In March 1983, Central Coast Water Board staff ~~tentatively concurred~~...*”[Page F-3, Facility Description, D]. In fact the Central Coast Water Board did concur and have done so in 1992, 1998, and the RWQCB is poised to do so again.

Modify the statement as follows: “*Water Board staff met with the Dischargers July 15, 2005 and ~~tentatively~~ agreed to the 9.5-year timeline.*” [Page F-5, fifth paragraph]. Preparation of the draft settlement agreement for presentation to the RWQCB, and staff recommendations contained in the Fact Sheet unequivocally demonstrates the concurrence of the RWQCB staff.

Delete the spills dated April 30, 2004, and July 6, 2004 from the table citing sewage spills from the City of Morro Bay [Page F-20, Sewage Spill Table]. The spill dated July 6, 2004 occurred under the jurisdiction of the California Department of Parks, and the City has no jurisdiction over their operations. The spill dated April 30, 2004 occurred at a private lift station in a condominium complex in Morro Bay. Again, the City has no legal authority over their operations.

¹ Page 17 of Order NO.R3-2006-0019.

Modify the entry in the column labeled “Reach Surface Waters” reported on December 22, 2002 to read “No” [Page F-20, Sewage Spill Table]. The spill report filed by the City of Morro Bay for this spill indicates that the discharge did not reach surface waters.

Correct the reference to “~~Santa Barbara County Health~~”, and replace with “San Luis Obispo County Health” [Page G-1, Section II.B].

Correct the reference to “~~Santa Barbara County Health~~”, and replace with “San Luis Obispo County Health”. Clarify what “the District” refers to, or replace with the correct Agency title [Page G-5, Section C].